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OFFICE OF PETITIONS

In re Application of :
Peter M. Bonutti :
Application No. 10/743,192 : DECISION GRANTING PETITION
Filed: 22 December, 2003 :
Atty Dkt. No. 2500DV2CN2DV3CN7 :

This is a decision in reference to the request for corrected filing receipt filed on 10 June, 2004, which is treated as a petition under 37 CFR 1.10(c) requesting that the above-identified application be accorded a filing date of 22 December, 2003, instead of the presently accorded filing date of 19 December, 2003.

The petition is GRANTED.

Petitioners assert that the application was deposited in Express Mail service on 22 December, 2003. In support of petitioners' contention that the application was deposited in Express Mail Post Office to Addressee Service on 22 December, 2003, petitioners supplied, with the present petition, a copy of Express Mail Customer Label No. ET710031050US (the same Express Mail number found on the itemized transmittal sheet filed with the original application papers located in the official file).

Although the pickup date on the copy of the Pickup Service Statement provided is illegible, a search of the USPS Internet Track & Confirm Database reveals that this Express Mail Label No. was accepted by the USPS on 22 December, 2003.

In view of the above, the petition is granted. No petition fee is required.

The application is being returned to Office of Initial Patent Examination for reprocessing with a filing date of 22 December,

2003, not 19 December, 2003, and for issuance of a corrected Filing Receipt.

Telephone inquiries may be directed to the undersigned at 703-308-6918.

A handwritten signature in cursive script, appearing to read 'D Wood', is positioned above the printed name.

Douglas I. Wood
Senior Petitions Attorney
Office of Petitions

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